

# **REPORT EXECUTIVE SUMMARY**

## **FROM BREEDING FOR DIVERSITY TO SEED REGULATIONS/LAWS**

*How to promote an enabling environment for farmers' seed systems?*

*Cresta Oasis Hotel, Harare, Zimbabwe, 25<sup>th</sup> – 27<sup>th</sup> November 2024*



**Rooted in Diversity | TRAIL Transfrontier Adaptation Initiative in Lubombo | Enhancing capacities of local communities to adapt to climate changes in Tanzania, Mozambique and Eswatini**

Strengthening the conservation and sustainable use and management of selected climate resilient PGRFA to enhance smallholder farmer livelihoods workshop, with the financial support of the Italian Agency for Development Cooperation, the German Society for International Cooperation (GIZ), the Swiss Agency for Development and Cooperation (SDC), the Norwegian Agency for Development Cooperation (NORAD), the Swedish International Development Cooperation Agency (SIDA) and the Benefit Sharing Fund of the ITPGRFA.

## Executive Summary

During November 25<sup>th</sup> to 27<sup>th</sup>, 2024, an international workshop took place in Harare, Zimbabwe, to promote the sharing of experiences between Southern Africa and Europe on breeding for diversity and an enabling legal environment for farmers' seed systems. The workshop was organised in collaboration with the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA, also referred to as the Treaty), with the support of several non-governmental organisations, projects, and donors supporting farmers' seed systems in various African countries, bringing together more than 70 actors including policymakers.

The ITPGRFA functions as a platform for contracting parties to address critical issues on conservation and sustainable use of PGRFA and Farmers' Rights, among other issues. The Treaty encourages contracting parties to develop appropriate policies and legislation that are more supportive towards cultivating agrobiodiversity and enabling farmers' seed systems.

The Tenth Session of the Governing Body meeting requested contracting parties and stakeholders to organise regional workshops to raise awareness on the implementation of Article 5 & 6, and 9 of the Treaty. Recognising the importance of the diverging legislative frameworks and its obligations under the Treaty, CTDO held a multi-donor workshop with AIC, SDC, NORAD, SIDA, GIZ, and BSF of the Treaty with the participation of a variety of civil society organisation and policy makers, which included OXFAM, Rete Semi Rurali, COSPE, FiBL, CTDO PELUM ASSOCIATION, ESAFF, CICOD, CTDT, ZAAB, TPHPA, ELDS, NIRAS, National Gene Bank Mozambique, and DARSS ESWATINI. The objective of the workshop was to promote the sharing of experiences among regions and countries on breeding for diversity and the provision of an enabling legal environment for farmer managed seed systems within the framework of the ITPGRFA.

The outcomes of the workshop were as follows:

- A Regional Position Paper (Report) on national implementation of Articles 5, 6 and 9 of the Treaty.
- An Information Document for the next session of Governing Body of the Treaty (GB11), as requested by the GB Resolutions on Farmers' Rights and Sustainable Use.
- Inputs to be provided to the African Union policy process on farmer-managed seed systems.
- The foundations laid for a possible comparative analysis across projects and countries and make a new proposal derogating the formal seed system.

### **Rationale and Objectives of the Workshop**

The models of seed legislation in Africa and Europe are very similar, with each system providing for the registration of varieties in catalogues, the certification of seeds marketed, the alignment of the registered varieties to the properties of distinctness, uniformity and stability (DUS), and with the public authorities playing a leading role in the phase of registration and certification. With this linear

approach having originated in Europe in the latter half of the twentieth century, it has evolved as the standard to follow and is employed by many countries in the Global South with the goal of creating a commercial seed system. But the idea that this formal system is the only one dominating the European landscape is mistaken, just as it is mistaken to think that this approach fits the needs of all farmers in Europe and beyond. Instead, it is essential to acknowledge the existence of multiple seeds systems and the importance of diversity both within and between seed systems to strengthen food and nutrition security, as well as for preserving and supporting agrobiodiversity.

Following the Tenth Session of the Governing Body of the Treaty held in November 2023, the adoption of new resolutions concerning conservation and sustainable use of plant genetic resources (Res. 06/2023) and Farmers' Rights (Res. 07/2023) encourage a shift in the legislation governing seed systems. Indeed, the European Union has embarked on an overhaul of its seed regulations to align itself with new objectives such as the conservation of agrobiodiversity. We henceforth find ourselves at diverging pathways as the European Union rehaults its legislative framework to make room for diversity and farmers' seed systems while most countries in the Global South adopt the old European seed legislation focused on uniformity and the formal seed sector.

The Harare workshop aimed to address this central issue by reviewing the key regulatory bottlenecks in relation to breeding for diversity and farmers' seed systems, and exploring how an enabling environment for the latter could look like. Findings will be used to provide inputs to the ongoing policy process of the African Union on farmer-managed seed systems.

### **Common Needs & Bottlenecks**

Countries presented their national contexts and legal frameworks in the workshop, during which all countries identified the existence of two main seed systems: the formal or commercial seed system and the informal or farmer-managed seed system (FMSS). The formal seed system supplies only about 20% of total seed demand and is dominated by a select few high value crops such as maize and vegetables. FMSS are estimated to supply the remaining 80% of seeds of many different species possessing high genetic diversity.

Presenters noted the critical role of smallholder farmers in conserving, selecting, and storing, exchanging, and producing seed of locally adapted varieties. Despite this critical role, FMSS face many challenges, ranging from unpredictable weather patterns to poor post-harvest handling and lack of mechanization. Coupled with a general lack of governmental support, farmer-managed seed may suffer from poor physical quality with low germination rates, subsequently contributing to crop failure and poor yields.

Amongst key challenges being faced in trying to promote FMSS, presenters noted the lack of supportive policies and legislation, absence of political will, inadequate funding, and lack of appropriate documentation and recognition of farmers' knowledge and innovation. Despite some countries recognizing the existence of FMSS in their national seed policy (e.g. Uganda), national seed laws almost exclusively recognize the formal seed system. All countries, for example, only allow seed of a registered variety to be sold or distributed at the national level. And since the variety

registration system sets strict conditions regarding the Distinctiveness, Uniformity and Stability (DUS) of a variety, this makes it difficult to register farmer varieties that are more heterogeneous.

Whereas some countries have implemented the Quality Declared Seed (QDS) system to facilitate a cheaper and decentralised seed quality control mechanism, this system also requires varieties to be formally registered, and many workshop participants questioned its suitability for the needs and characteristics of FMSS.

It was observed that seed security entails sovereignty by the farmers to have freedom to choose the types of crops and varieties they want to grow and being able to access good quality seed of well-adapted varieties at the right time. In this context, it was stressed that there is need to recognize both seed systems (the formal and FMSS) as not mutually exclusive but *complementary* to each other. Yet, with the existing regulatory frameworks almost exclusively supporting the first, it was considered essential to establish legal and institutional support for FMSS, including the recognition of farmers as maintainers and developers of agrobiodiversity.

### **Towards an Enabling Environment for Farmers' Seed Systems**

The second day of the workshop was organised as a World Café around five thematic areas along the seed value chain: 1) Community Seed Banks (CSBs) & gene banks, 2) breeding, 3) variety registration, 4) seed certification, and 5) seed production & marketing. All participants provided inputs on bottlenecks and good practices/experiences.

Group 1 addressed issues affecting gene banks, CSBs, and the interactions between them. Participants called for more governmental support for CSBs or their institutionalisation into government programs, with formalised linkages between CSBs and national gene banks being established. One option mentioned was to decentralize seed banks to the provincial level and create networks and systems that ensure accessibility of services (seed distribution). In addition, the multiple functions of CSBs were emphasised, ranging from CSBs acting as centres of excellence or knowledge hubs within local communities, to operating as local income-generating businesses. Among the proposals were the review of educational curriculums to include the seed banking concept and the creation of a Community of Practice around CSBs.

Group 2 focused on breeding, in particular participatory plant breeding (PPB) and participatory variety selection. It also included issues relating to access and benefit-sharing and intellectual property rights. Key takeaways were the importance of local registers or inventories of farmers' varieties and the establishment of community protocols and by-laws on biodiversity. The need for policy support for PPB was highlighted, such as the incorporation PPB into (decentralised) national breeding programs and curriculums, and the involvement of the private sector as off-takers of materials generated from PPB.

Group 3 discussed issues around variety registration, including testing for DUS and Value for Cultivation and Use. The relevance and suitability of these formal testing procedures for FMSS was questioned, and an alternative approach was proposed in which farmers' knowledge and scientific

expertise are integrated, focusing on the Consistency, Accessibility and Suitability (CAS) of candidate varieties. The involvement of farmers in variety registration was a crucial element to the process. In addition, a notification system was proposed instead of a registration system to simplify processes and enhance accessibility for farmers. It was suggested that size and turnover of breeding companies and seed producers could influence regulatory requirements, allowing for more tailored approaches to seed management.

Group 4 focused on seed certification and quality control. Participants indicated that FMSS have always operated without formal seed inspection and will continue to rely primarily on trust-based relations. It was felt, however, that the current situation which allows for either no formal quality control on the one hand, or full OECD-compliant standards (allowing for international trade) on the other, is too narrow and does not strengthen the use and production of quality seed in FMSS. The development of a more diverse, tailor-made and decentralised seed certification system was considered necessary. The participatory guarantee system was highlighted as an example of a self-regulating system in which farmers and/or CSBs monitor seed quality, with an external inspection body (e.g. the national gene bank) in place to perform post-market inspections to ensure the reliability of the participatory guarantee system.

Group 5 looked at seed production, exchange and marketing. The importance of local seed production and sharing was emphasised, without formal requirements or barriers stifling local seed systems. For maintaining the agrobiodiversity in FMSS, strategic partnerships are needed between farmers, CSBs, agricultural research centres, and (inter)national gene banks to preserve and rejuvenate planting materials. Farmer seed enterprises can be supported by simplified registration requirements, decentralised quality assurance mechanisms, and access to appropriate credit facilities, while extension services and ARCs can provide technical support in seed production and post-harvest processing and storage. Land tenure security was identified as a crucial precondition for all of the above.

### **Launch of the Harare Community of Practice (CoP)**

On the third and final day of the workshop, all inputs were collected, and the event was brought to a close. When discussing next steps, participants agreed to establish a Community of Practice (CoP) in order to share learnings and best practices towards the development of an enabling policy framework for farmer-managed seed systems.